

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTO FLORES-ESTRADA,

Defendant.

NO. CR09-5526BHS

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE
INDICTMENT UNDER SPEEDY TRIAL
ACT

The Court, having considered the parties' Joint Motion To Extend Time To File
Indictment Under Speedy Trial Act finds that:

1. Mr. Flores-Estrada is charged by Complaint with Illegal Rentry after
Deportation, in violation of Title 8, United State Code, Section 1326(a). Defendant was
arrested and made his Initial Appearance on August 12, 2009.

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed
within 30 days from the date on which the defendant was arrested or served with a summons
in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United
States must obtain an Indictment in this case on or before September 11, 2009, to meet the
requirements of the Speedy Trial Act.

3. The defendant is diligently conducting an investigation into the circumstances
surrounding his situation at the time of his alleged offense. The defendant does not believe

1 that his investigation will be completed by the expiration of the time to obtain an Indictment.

2 The defendant believes that the results of its investigation will be essential to preparing his
3 defense, and may facilitate a resolution of this matter.

4 4. The parties are seeking an Order continuing the time within which an Indictment
5 must be filed on the ground that the “ends of justice served by taking such action outweigh the
6 best interest of the public and the defendant in a speedy trial,” as permitted by 18 U.S.C. §§
7 3161(h)(7)(A), (B)(i) and (B)(iv).

8 5. Given that the defense’s investigation remains incomplete, the failure to grant an
9 extension would deny the defense the reasonable time necessary for adequate and effective
10 preparation, taking into account the exercise of due diligence. A denial of a continuance also
11 would result in a miscarriage of justice.

12 6. The defendant has executed a Waiver of Speedy Indictment waiving rights under
13 the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and
14 has further agreed that the period from September 11, 2009, until October 11, 2009, shall be
15 an excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §
16 3161(h)(7)(A).

17 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment
18 be continued to October 11, 2009. The period of delay resulting from this continuance from

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1 September 11, 2009, to October 11, 2009, is hereby excluded for speedy trial purposes under
2 18 U.S.C. §3161(h)(7).

3 DONE this 25th day of August, 2009.

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7 BENJAMIN H. SETTLE
8 United States District Judge

9 Presented by:

10
11 /s/ Russell V. Leonard
12 Russell V. Leonard
13 Attorney for Defendant

14
15 /s/ John O'Dell
16 John O'Dell
17 Special Assistant United States Attorney